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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,551	11/07/2003	Hong Su Lee	2658-0314P	8245
2292	7590	01/28/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			VARGOT, MATHIEU D	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			1791	
			NOTIFICATION DATE	DELIVERY MODE
			01/28/2008	ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/702,551
Filing Date: November 07, 2003
Appellant(s): LEE ET AL.

MAILED
JAN 28 2008
GROUP 1700

Esther Chong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 4, 2007 appealing from the Office action mailed May 18, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. Note that the reply of August 20, 2007 was a request for reconsideration made after the final rejection—however, no claim amendments were made.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2,443,826 JOHNSON 6-1948

Applicant's admitted prior art as shown in instant Figures 1-3 and disclosed in paragraphs 3-8 of the instant specification

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5 and 7-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as shown in instant Figures 1-3 and disclosed in paragraphs 3-8 of the instant specification in view of Johnson.

As admitted by appellant in the instant specification—see paragraphs 0003 to 0008, which refer to instant Figures 1-3—the instant claims are taught in the admitted prior art lacking essentially the aspects of a fastening member for the stamper extending through the core into the stamper and the particular thickness for the stamper. Johnson discloses a fastening member (bolt 19/20 and the associated nut) that attaches a die portion (12/13) to a platen member (16), the bolt passing through the platen and into the die portion and the nut securing the bolt to the platen. Clearly, the instant fastening arrangement, or one equivalent to the instant, is shown in Johnson in an analogous molding apparatus and method since a bolt extends through the platen—equivalent to the instant core-- to which a die portion —equivalent to the instant stamper—is attached. It is respectfully submitted that the instant fastening arrangement is simply too well known in the art to make the instant claims patentable, as such would have been a convenient way to attach the stamper to the core. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the vacuum tube and/or stamper fixing segments of instant Figure 3 with a bolt and nut fastening means as taught by Johnson since bolts are conventional means by which molds are fixed together. Concerning the thickness of the stamper, the admitted prior art teaches that such are conventionally .1-.4 mm thick. However, it is submitted that making the stamper 6-12 mm thick would have been an obvious modification thereto dependent on the heat transfer and structural stability desired for the stamper. Certainly, it is within the skill level of the art to change the thickness of known mold elements. The unevenness grooves are submitted as shown in the resultant light guide made by the

prior art as seen in instant Figure 2. Since the light guide plate is molded by the structure of instant Figure 3, the stamper shown there must also have the corresponding unevenness grooves.

(10) Response to Argument

Appellant argues that the instant fastening member is used to fix the core material portion and the stamper **in relation to each other** and that neither the Related Art nor Johnson show this. However, such is not persuasive. The claims merely call for the fixing structure to fix the core material portion to the stamper, and not that such fixing results in the core and stamper being fixed “in relation to each other”, such meaning, as appellant goes on to argue, that they are **immovable** with respect to each other. The claims do not require that the stamper and core be **immovable** with respect to each other, but merely that they are fixed to each other. Johnson provides such a fixing arrangement, albeit the die portions slide within a recess in the platens. Secondly, even if the term fixing is seen encompass only an arrangement where the parts cannot move with respect to each other, it should be remembered that the Prior Art does indeed show structure that fixes the stamper to the core in such a manner that they are immovable with respect to each other. It is respectfully submitted that appellant is arguing a limitation that is not expressly set forth in the claims. Further, the real issue is whether one of ordinary skill in the art would have been led to employ bolts and nuts as fixing means in lieu of the vacuum and stamper fixing segments shown in the admitted prior art of instant Figure 3. It is respectfully submitted that such a

modification would have been prime facie obvious given the conventional and widespread use of bolts and nuts as fixing means. Surely, one of ordinary skill in the art would recognize a bolt as a well known fastening means and surely it would have been obvious to have replaced a vacuum drawing tube—or the stamper fixing segments, which may indeed have been bolted to the platen or core themselves—with a bolt and nut.

Appellant suggests that since the prior art indicates that there is a problem with plating thickness, it would not have been obvious to modify it by making the stampers thicker than that taught in the prior art as set forth in instant claims 4 and 8. However, this is not persuasive. Simply because the plating may be difficult does not mean that thicker plating is impossible, and obviousness only requires a reasonable assurance of success. It is maintained that the exact thickness of the stamper would have been well within the skill level of the art dependent on strength and heat transfer characteristics desired for the stamper. Finally, appellant notes that the invention (ie, claims 13 and 15) requires the movable portion of the molding apparatus to house the fixed core and stamper, while the prior art shows the stamper to be fixed to the stationary molding plate. This limitation is certainly seen to be within the skill level of the art, in that it would be purely obvious as to which side of the molding apparatus the stamper is situated in. In short, appellant has set forth arguments in an attempt to offer patentability for the instant claims, when in truth, these arguments should be doomed from the very start. **Bolts as fixing structures, thickness of a stamper and the stamper location with respect to the molding apparatus** are simply aspects that are

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either too conventional or within the skill level of the art to render the instant claims patentable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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1/3/08

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